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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 JOHN GONZALES, SR.,

Case No. 3:19-cv-00731-MMD-CLB

7 Plaintiff,

ORDER

8 v.

9 DEBBIE DUNHAM,

10 Defendant.

11
12 Plaintiff John Gonzales, Sr., brings this action this action against Bureau of Land
13 Management Manager Debbie Dunham. (ECF No. 1-1.) Before the Court is the Report
14 and Recommendation ("R&R" or "Recommendation") of United States Magistrate Judge
15 Carla L. Baldwin (ECF No. 3), recommending that the Court grant Plaintiff's *in forma*
16 *pauperis* ("IFP") application, but dismiss his Complaint in its entirety for failure to comply
17 with Fed. R. Civ. P. 8(a)(2). Plaintiff had until April 6, 2020 to file an objection. To date,
18 no objection to the R&R has been filed. For this reason, and as explained below, the
19 Court will adopt the R&R and dismiss this case.

20 This Court "may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party
22 timely objects to a magistrate judge's report and recommendation, then the Court is
23 required to "make a *de novo* determination of those portions of the [report and
24 recommendation] to which objection is made." *Id.* Where a party fails to object, however,
25 the court is not required to conduct "any review at all . . . of any issue that is not the
26 subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States*
27 *v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the magistrate
28 judges' findings and recommendations is required if, but *only* if, one or both parties file

1 objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P.
2 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy itself
3 that there is no clear error on the face of the record in order to accept the
4 recommendation”).

5 While Plaintiff has failed to object to Judge Baldwin’s recommendation to dismiss
6 this case, the Court will conduct a *de novo* review to determine whether to adopt the R&R.
7 Judge Baldwin found that Plaintiff’s Complaint is rambling, nonsensical, and filled with
8 incomplete sentences—making it impossible to decipher and noncompliant with Fed. R.
9 Civ. P. 8(a)(2). (ECF No. 3 at 3-4.) She therefore recommends its dismissal. (*Id.*)
10 However, she also recommends the Court grant Plaintiff’s IFP application because he
11 does not appear able to pay the filing fee. (*Id.* at 2.) Having reviewed the R&R and the
12 Complaint, the Court agrees with Judge Baldwin.

13 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF
14 No. 3) is accepted and adopted in full.

15 It is further ordered that Plaintiff’s IFP application (ECF No. 1) is granted.

16 The Clerk of Court is directed to file Plaintiff’s Complaint (ECF No. 1-1).

17 It is further ordered that Plaintiff’s Complaint (ECF No. 1-1) is dismissed, in its
18 entirety, with prejudice.

19 The Clerk of Court is further directed to enter judgment in accordance with this
20 order and close this case.

21 DATED THIS 7th day of April 2020.

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MIRANDA M. DU
25 CHIEF UNITED STATES DISTRICT JUDGE
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